



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Naoki Soeda

Serial No.: 09/502,454

Group Art Unit: 2652

Filed: February 11, 2000

Examiner: Tianjie Chen

For: MAGNETIC DISK APPARATUS WITH SEPARATE PRINTED-CIRCUIT BOARDS

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JUL 29 2003

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450

Technology Center 2600

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BA 9-30-03

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

In reply to the Election of Species Requirement mailed July 2, 2003, Applicant provisionally elects Species II, upon which at least claims 1-3, 5-10 and 12 are readable. This election is made with traverse.

Applicant respectfully submits that a search of the subject matter of all claims 1-3, 5-10, 12 and 14-17 is sufficiently related that a thorough search for the subject matter of any one group of claims would necessarily include a search for the subject matter of the remaining claims.

The Examiner has already searched all claims and all species. Thus, Applicant respectfully submits that the search and examination of the entire application can not possibly pose a serious burden since the Examiner has already performed the search.

M.P.E.P. § 803 clearly states that "[i]f the search and examination of the entire application can be made without serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions" (emphasis added). Applicant respectfully submits that the Examiner has clearly failed to provide a prima facie showing of a serious burden by failing to provide "by appropriate explanation of separate classification, or separate status in the art, or a different field of search" (M.P.E.P. § 803).

Applicant respectfully submits that the policy requiring examination of an entire application even though it may include distinct inventions, should be applied in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office. Applicant respectfully requests reconsideration and

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withdrawal of the Election of Species Requirement and to examine all claims in this application.

A conditional petition is made for any extension of time which may become necessary. The Commissioner is authorized to charge any fees for such extension and to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



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